

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

April 26, 2011

Relates to Item #4

In 2008, the Board of Supervisors enacted a Hearing Examiner procedure to increase opportunities for public participation earlier in the planning process and ensure that—particularly on major projects—community members would not have to travel long distances to participate in a hearing in downtown Los Angeles. This ordinance included an initial one-year pilot period whereby the Director of Regional Planning would choose which projects were to go to a Hearing Examiner for an initial hearing and which cases were to go directly to the Regional Planning Commission. Following that initial period, under the 2008 procedure, most applications that were set to go before the Commission were mandated to go before the Hearing Examiner for an initial hearing.

After review of the resources required for Hearing Examiner hearings and an analysis of where the greatest need for this procedure exists, the Regional Planning Commission and the Director of Regional Planning are recommending that, through the adoption of the proposed ordinance, the Director be given additional discretion to decide which cases should go to the Hearing Examiner. The Director has provided guidelines that would help inform this decision. However, these factors are not included as part of the ordinance itself. This creates too much uncertainty as to what process will

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be used in any given case. Fortunately, this problem can be addressed by including the factors within the ordinance itself.

I, THEREFORE, MOVE that the Board of Supervisors close the public hearing, find that the adoption of the ordinance is exempt from the California Environmental Quality Act and instruct County Counsel to prepare the final ordinance for adoption, which final ordinance shall contain guidelines indicating that the presence of any one or more of the following factors will ordinarily indicate to the Director of Regional Planning that an initial hearing before the Hearing Examiner should be held:

- 1) The proposed project requires the preparation of an Environmental Impact Report;
- 2) The proposed project involves the preparation or update of a community or area wide plan, or a major amendment to the Zoning or Subdivision ordinance;
- 3) The proposed project is likely to evoke significant public controversy;
- 4) The proposed project involves the construction of 50 or more residential units, or 50,000 square feet or more of commercial or industrial floor area;
- 5) Processing of the proposed project will be subject to a "Major Projects Review Trust Fund";
- 6) The proposed project involves a subdivision, General Plan Amendment, or Zone Change;
- 7) The proposed project is proposed in a part of the county that is remote from downtown Los Angeles; and,
- 8) There are any other aspects of a proposed project that indicate to the Director of Regional Planning that a Hearing Examiner hearing would be appropriate.